

the backlog of candidates is 18,000 today, it is unclear how many potential SIV candidates will feel compelled to apply as conditions change on the ground. Processing applications has been further complicated by a long vetting process, declining security conditions, and a recent spike in COVID cases across Afghanistan, which has forced the Embassy to shut down visa interviews. In order to handle the demand, we must add at least 20,000 additional visas for the next fiscal year and do so immediately and find other ways to further streamline the process, as Senator KING described.

We may also come to find that the SIV category does not encompass all those Afghans who would likely be targeted by the Taliban. We should be identifying others who may be at risk and start planning to ensure the safety of those who would seek asylum as a consequence of a potential Taliban takeover or if control of the country fractures.

Now is the time to think about creative solutions and, importantly, understand what will be necessary to ensure that we live up to our moral obligations. I know full well that the United States is capable of this. We have been publicly assured by the Chairman of the Joint Chiefs, General Milley, and Commander of Central Command, General McKenzie, that the military can carry out such an evacuation, if directed to do so. We have successfully conducted evacuations of refugee populations in the past, including a significant number of Vietnamese refugees in 1975, Iraqi Kurds in 1996, and Kosovo Albanians in 1999. It is imperative that we deliver upon our promises now.

Providing safe harbor for these Afghans who are most vulnerable is front of mind, but we must also ensure that there is a farsighted planning process across the board to ensure success following the transition of our military forces. And I would like to quickly highlight several key questions.

First, can the United States and its allies and partners continue to constrain the threat from terrorist groups like al-Qaida and ISIS that would seek to use Afghanistan as a base for operations?

The Biden administration has discussed its intent to conduct over-the-horizon operations, but we need to ensure that we have accounted for this complexity and are postured for success.

Second, how will the United States continue to distribute and oversee aid to the Afghan Government and Afghan security forces? The Afghan Government remains unable to generate enough revenue to independently fund its military operations, instead relying almost solely on foreign contributions.

We must have robust mechanisms in place to ensure the aid is provided and goes to the intended places.

Third, how can the international community assist the Afghan security

forces with maintaining readiness, particularly air power—after all international contractors depart the country? Again, that is another term of the Doha agreement. After 20 years, we have not created a cadre of individuals inside Afghanistan who can independently conduct high-level maintenance on its aircraft, which raises serious questions about how the Afghans can continue air operations without international contracting support.

Fourth, does the international community have real leverage to affect Taliban behavior through political and diplomatic channels? Now is the time to understand what levers are available to mitigate a potentially disastrous situation for the people of Afghanistan, and particularly that of women and girls.

Fifth, will NGOs be able to continue activities to benefit the people of Afghanistan? There appears to be a lack of coordination, including by the Department of Defense, to ensure deconfliction methods are appropriately transitioned to the Afghan Government, which puts humanitarian at risk and could delay the delivery of lifesaving assistance to populations living in hard-to-reach areas.

The time to address these challenges is now. I urge the Biden administration to continue to work through these pressing issues, and I call upon Congress to assist where we can. The consequences of inaction are too great to risk. We must rapidly increase the number of SIV visas, and we must, along with the administration, plan for all the contingencies that I have outlined.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST— S. 1520

Mrs. GILLIBRAND. Mr. President, I rise for the 15th time, today, to call for every Senator to have the opportunity to consider and cast their vote for the Military Justice Improvement and Increasing Prevention Act. This bill would move serious crimes like sexual assault out of the chain of command and put them in the hands of the most capable people in the military: independent, impartial, highly trained prosecutors.

I began calling for the full floor vote on May 25. That was about a month ago. In that month, an estimated 1,736 servicemembers will have been raped or sexually assaulted. More will have been victims of other serious crimes. Many will not even report those crimes because they lack faith in the system where cases are decided by their commanders, not by trained lawyers. And yet this vote continues to be delayed and denied day after day, week after week.

I have heard proponents of this bill argue that we can't make this change because the military lacks the lawyers

necessary to carry out the work. Today, I would like to address this one unfounded claim.

Let's look at the numbers. The Navy, for example, has an Active Duty population of just over 330,000 members. Their military justice system has 935 military lawyers, or judge advocates known as JAGs. That number includes more than 100 special litigators and 85 at the 06-level JAG, which means the colonel or above commanders. And last year, they completed just 78 general courts martial, which are usually cases involved in serious felonies that our bill discusses.

Now, let's look at the civilian counterpart. Take the San Diego County District Attorney's Office. San Diego County has a population of 3.3 million people. To serve that population, the DA's office has just 300 prosecutors who handle 40,000 cases a year.

So the Navy has one-tenth of the population but three times the lawyers. In total, our armed services have just over 1.3 million members and more than 4,000 JAGs. The issue with our military justice system is not that it lacks the lawyers. It is that it does not entrust the most serious crimes to the people who are most professional and trained to address them.

In fiscal year 2020, the armed services completed 720 general courts martial, and in fiscal year 2019, they completed 895 general courts martial. If 300 prosecutors in San Diego County can handle 40,000 cases a year, I trust that more than 4,000 JAGs in our military, some of our Nation's best and brightest, can handle 895 general courts martial.

I have trust in those military lawyers' ability to handle these cases because they are in fact already working on them. This reform would not give them more work. Instead, it would relieve them of the time-consuming work it takes to get a commander properly briefed on cases and allow them to make decisions on those cases instead of just making recommendations to commanders.

In short, making this reform would not require finding a host of new lawyers to do this work or to overtax the lawyers our military already has. Any claims otherwise are nothing more than a delay tactic.

The Military Justice Improvement and Increasing Prevention Act will deliver results our servicemembers and their families deserve. It is supported by the experts, by servicemembers, and by a bipartisan, filibuster-proof majority of Senators, and it is time we bring this to the floor.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate Armed Services Committee be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours for debate equally divided in the usual form; and that upon the use or yielding

back of the time, the Senate votes on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, once again, I object to the Senator's request for reasons I have previously stated. But in addition, on Tuesday night, Secretary of Defense Austin released a statement stating that he had received the Independent Review Commission's recommendations and that the administration will work with Congress to remove the prosecution of sexual assault and related crimes from the military chain of command, a recommendation I agree with. I made that clear for weeks now.

And this statement makes it clear that the argument before us is not about removing sexual assault or crimes connected to sexual misconduct from the chain of command. The argument is about removing felonies like barracks larceny, destruction of government property of a significant value, and crimes that have been handled by the military chain of command effectively for years and years and years.

In addition, Secretary Austin notably praised the comprehensive nature of the IRC's assessment across all four lines of effort, not just military justice reforms, but, as importantly, prevention, climate and culture, and victim care.

The necessity to approach this issue in a holistic and comprehensive manner is vitally important if we want to actually reduce the incidence of sexual assault in the ranks. We would be naive to believe we can simply prosecute ourselves out of this problem. That isn't how this will work.

Accountability is important, but it must be part of a larger reform, and I hope we can all agree that it is far preferable to prevent a sexual assault than simply to prosecute one.

Finally, I want to highlight Secretary Austin's statement that the Department will need new resources and authorities to implement these recommendations. It must work with Congress to secure additional authorities and relief where needed, as well as additional personnel, funding, and sufficient time to implement them.

And so, as I have said a number of times already, I intend to include the administration's recommendations that derive from the President's Independent Review Commission in the markup of the defense bill, subject to amendment.

Colleagues who have dedicated themselves for many years to issues of national defense and are knowledgeable of the UCMJ will have an opportunity to make amendments, to make suggestions, to debate this bill in detail, and then the result will be reported to the floor of the Senate, and all Senators will have such an opportunity. That is

what we have done traditionally, particularly when it comes to significant changes in the Uniform Code of Military Justice.

And with that, I would reiterate my objection to the Senator from New York's request.

The PRESIDING OFFICER. Objection is heard.

Mrs. GILLIBRAND. Mr. President, I also commend General Austin on his recommendations. He is the first Secretary of Defense in the last 10 years—in the last real 100 years—that has said that sexual assault and related crimes should be taken out of the chain of command, of which I agree completely. He has also acknowledged that it is not necessary for good order and discipline or command control that the convening authority be the commander. The convening authority can be the prosecutor, which is our bill.

The reason why we advocate for a bright line is that while sexual assaults are handled poorly within the military, so are other crimes when it comes to racial disparity. We have evidence that has been detailed and reported by the Department of Defense that if you are a Black servicemember, you are up to 2.61 times more likely to be prosecuted or punished for crimes due to racial bias within the military justice system.

So if we want a military justice system that is fair for everyone, both plaintiffs and defendants, we need a bright line around all serious crimes. I believe that if you allow trained military prosecutors the ability to review the case files for all serious crimes, more cases of sexual assaults will go forward and end in conviction, and then the bias that is seen in other cases will also be reduced.

So for the chairman to say that there is no evidence that the command hasn't been doing a good job in other crimes, I would say that is not true. There is a great deal of evidence that there is racial bias in how our military justice system is used at the detriment to Black and Brown servicemembers.

Second, I would like to say that the commission's recommendations are expansive and excellent, and we look forward to receiving those recommendations. Those recommendations may well require additional personnel and additional resources because they are across many lines, not just about prosecution.

My bill, the Military Justice Improvement and Prevention Act, does not require more resources or more personnel because it is literally creating a bright line of felonies, and while those prosecutors are normally prosecuting those cases, the only change is they get to see the case file first. They get to make a judgment about whether there is enough evidence, and if there is not, it goes right back to the commander where it was.

So I agree that General Austin's statements are important and meaningful. I agree that the commission's

work is excellent, and I look forward to supporting them and turning them into law. But I disagree strongly that the broader reform of a bright line around felonies isn't needed because it is, and it shows in the prosecution of sexual assaults, and it shows in the racial disparity of convictions and prosecutions and nonjudicial punishment for Black servicemembers.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

PUBLIC SAFETY

Mr. McCONNELL. Mr. President, yesterday, President Biden announced that his administration would attempt to combat the alarming rise of violent crime unfolding in cities across our country by making it harder for law-abiding Americans to exercise their constitutional right to keep and bear arms. And today our colleagues on the Judiciary Committee voted on the nomination of a person the President intends to lead the effort. David Chipman was tapped to be Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

If he is confirmed, this nominee would bring to the job a dangerous and unprecedented hostility to the Second Amendment. We know it from his record as an anti-gun extremist, and we know it from the reputation he earned among ATF veterans as an "activist" and "a rabid partisan."

It should go without saying that these are exactly the wrong motivations to encourage at the helm of the Agency charged with firearms enforcement. Then again, it should also go without saying that responsible gun owners don't cause surges in violent crime; they actually prevent them.

Unfortunately, Democrats' latest bout of cognitive dissonance on crime didn't begin just this week. Let's consider what has unfolded over the past year. Last summer, across America, peaceful protests were overtaken by lawless rioters. For nights on end, violence and looting left cities in flames, and in too many State capitals and city halls, local officials froze under pressure from the left and failed to protect their citizens, their homes, and their businesses.

In fact, at every level of government, elected Democrats instead rapidly embraced radical calls to "defund the police." To the tune of hundreds of millions of dollars, they succeeded in gutting local law enforcement budgets and